

**REMARKS**

In the Restriction Requirement mailed January 7, 2009, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

The species are as follows:

1 – A specific calcium-containing ceramic particle. The species were given in claims 25-30.

1A – If a calcium-phosphate particle is elected, the molar Ca/P relationship must be disclosed and the claims readable on the relationship identified.

1B – For any calcium-containing particle elected the following properties readable on the election must be identified:

- a) Pore size in claims 7 or 8
- b) Bulk density in claims 12 or 13
- c) Jarring density in claims 15 or 16
- d) Average diameter in claims 18-20 or a specific disclosed combination in claim 21

2 – A specific hydrogel or substance which can be swelled into a hydrogel consisting of the species in claims 36-39, 43

2A – For any hydrogel elected the following properties readable on the election must be identified:

- a) Water content in claims 44 or 45
- b) Molecular weight in claims 41, 42, 46, 47 or 48
- c) Weight relationship A/B in claims 51, 52, 53, 54, 55 or 56

Applicant elects species 1 with traverse because the Examiner's restriction does not appear to comport with what has been claimed. What is claimed herein is not a "calcium-phosphate particle" or a "specific hydrogel" but a "kneadable and moldable bone-replacement material" that consists of "calcium-containing ceramic particles" and "a hydrogel."

There are no claims directed only to either a "specific hydrogel" or "a calcium-phosphate particle." Applicant has amended claim 1, and claims dependent upon claims 1 to include particular features of particle components of the kneadable and moldable bone-replacement

material. These claims are the following: 1, 2, 3, 4-6, 9, 10, 17, 21, 26, 28-56. It is believed that these claims address what the Examiner is referring to as a “species.”

Applicants respectfully cancel claims 7, 8, 11, 12, 13, 14, 15, 16, 18-20, 22-25, and 27 without prejudice or disclaimer, and reserves the right to reintroduce them in one or more Divisional applications at a later date.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 373-6976 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29 day of January, 2009.

Zhakalazky M. Carrion

Name

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Signature